



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,082	07/29/2003	Akira Ogino	09812.0353	5957

22852 7590 01/11/2007
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
FIELDS, COURTNEY D	
ART UNIT	PAPER NUMBER
2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/629,082

Applicant(s)

OGINO, AKIRA

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-9 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwamura (US Patent No. 6,807,285).

Referring to the rejection of claims 1, 4, and 9, Iwamura discloses a content distribution system, method, and terminal composed by connecting a distribution server and a terminal device through a network, wherein said distribution server comprises:

embedding means for converting user identification information and a storage definition flag into watermark information through prescribed spreading modulation and embedding the watermark information in content, the user identification information uniquely assigned to said terminal device, the storage definition flag indicating its state previously set on said terminal device side (See Column 4, lines 66-67, Column 5, lines 1-4, 15-27)

Art Unit: 2137

encryption means for performing prescribed encryption on said content having said watermark information embedded therein (See Column 5, lines 21-27)

and transmitting means for transmitting said content encrypted, to said terminal device through said network, and said terminal device comprises:

reception means for receiving said content (See Column 5, lines 9-14)

extraction means for extracting said user identification information and said storage definition flag by performing prescribed processing on said watermark information embedded in said content (See Column 5, lines 48-61)

decryption means for decrypting said encryption of said content depending on the existence of said user identification information (See Column 7, lines 54-60)

judgement means for judging based on the state of said storage definition flag whether said content decrypted should be encrypted before being stored (See Column 8, lines 28-33)

and storage means for storing said content having said watermark information embedded therein (See Column 7, lines 34-46)

Referring to the rejection of claims 2 and 5, Iwamura discloses the claimed limitation wherein a management server provided on said network for making prescribed notification or warning to said terminal device when content distributed from said terminal device is detected and said user identification information is detected from the content (See Column 8, lines 16-27)

Referring to the rejection of claims 3 and 6, Iwamura discloses the claimed limitation wherein the management server makes said notification or warning to said

Art Unit: 2137

terminal device depending on whether said user identification information detected matches user identification information uniquely assigned to said terminal device (See Column 7, lines 65-67 and Column 8, lines 1-4)

Referring to the rejection of claims 7 and 8, Iwamura discloses a content distribution method of a content distribution system composed by connecting a distribution server and a terminal device through a network, wherein:

said distribution server comprises:

a first step of adding user identification information and a storage definition flag to content, the user identification information uniquely assigned to said terminal device, the storage definition flag indicating its state previously set on said terminal device side (See Column 4, lines 66-67, Column 5, lines 1-4, 15-27)

a second step of performing prescribed encryption on said content having said user identification information and said storage definition flag added thereto (See Column 5, lines 21-27)

and a third step of transmitting said content encrypted, to said terminal device through said network, and said terminal device comprises:

a fourth step of receiving said content (See Column 5, lines 9-14)

a fifth step of extracting said user identification information and said storage definition flag from said content (See Column 5, lines 48-61)

a sixth step of decrypting said encryption of said content depending on the existence of said user identification information (See Column 7, lines 54-60)

a seventh step of judging based on the validity of said user identification information whether said user identification information should be converted into watermark information through prescribed spreading modulation and then the watermark information should be embedded in said content (See Column 8, lines 5-15)

an eighth step of judging based on the state of said storage definition flag whether said content decrypted should be encrypted before being stored (See Column 8, lines 28-33)

and a ninth step of storing said content having said watermark information embedded therein (See Column 7, lines 34-46)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



cdf

January 6, 2007


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER